

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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WILLIAM POLLEN,

Plaintiff,

v.

NEAL COMER, et al.

Defendants.

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Civil Action  
No. 05-1656 (JBS)

ORDER FOR  
ADMINISTRATIVE  
TERMINATION

This matter comes before the Court upon its own motion pursuant to its Letter Order of December 16, 2008 [Docket Item 109]; and

In that Order, the Court determined that a "default judgment proof hearing [as to Defendant Denys Cole] will be convened, pursuant to Rule 55(b), Fed. R. Civ. P., before the undersigned, provided that you comply with the following instructions."

(Docket Item 109 at 1.) The Order listed seven instructions with which Plaintiff would be required to comply in order to proceed on his motion for default judgment, and stated to Mr. Pollen that "[i]f you intend to proceed to a default judgment hearing, your submissions, as outlined above, shall be due shortly. That is, your submissions for the default judgment proof hearing will be due no later than January 9, 2009. The hearing will be convened on Friday, January 16, 2009 at 9:00 A.M. in Courtroom 4A." (Id. at 3); and

The Letter Order further provided: "If you are not able to proceed at this time, you should request that your case be administratively terminated upon the docket, to be reopened as against Defendant Cole when you are better able to proceed, whether with or without counsel." (Id.); and

Plaintiff made no submissions for the proof hearing by the January 9, 2009 deadline established in the Court's Letter Order, and has made no such submissions to date. The Court will accordingly order that the Clerk of the Court administratively terminate this matter upon the docket without prejudice to Mr. Pollen's right to reopen the case for further proceedings consistent with law if and when he is better able to proceed in accordance with the directives set forth in the Court's December 16, 2008 Letter Order. Therefore, for good cause shown;

IT IS this 14th day of January, 2009 hereby

ORDERED that the Clerk of Court shall ADMINISTRATIVELY TERMINATE this case upon his records, WITHOUT PREJUDICE to reopening for further proceedings consistent with law if and when Mr. Pollen is able to proceed in accordance with the directives set forth in the Court's December 16, 2008 Letter Order.

s/ Jerome B. Simandle

JEROME B. SIMANDLE  
U.S. District Judge